

## **REMARKS**

By this Amendment, Applicant amends claims 1, 3-9, and 11, and cancels claims 2 and 10, without prejudice or disclaimer of the subject thereof. Claims 1, 3-9, 11, and 12 are currently pending.

In the Office Action, the Examiner rejected claims 1, 3, 9, 11, and 12 under 35 U.S.C. § 102(e) as being anticipated by newly cited U.S. Patent Application Publication No. 2004/0068653 to Fascenda ("Fascenda"); and rejected claims 2, 4-8, and 10 under 35 U.S.C. § 103(a) as being obvious over Fascenda in view of newly cited U.S. Patent No. 6,144,855 to Slovin ("Slovin").<sup>1</sup>

### **Regarding the Rejection under 35 U.S.C. § 102(e)**

Applicant respectfully traverses the rejection of claims 1, 3, 9, 11, and 12 under 35 U.S.C. § 102(e) as being anticipated by Fascenda. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See M.P.E.P. § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1, as amended,<sup>2</sup> recites a combination including, for example, "a counting unit configured to count a finding frequency of the wireless relay apparatus found by the finding unit; . . . a storing unit which stores specific characters representing

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

<sup>2</sup> Support for the amendments may be found at, for example, pages 6-7 of the specification.

identification information of the found wireless relay apparatus; and a displaying unit configured to display a specific character of the identification information of the wireless relay apparatus detected by the detector in a display form which is characterized according to the finding frequency counted by the counting unit.” Fascenda fails to disclose at least these features of amended claim 1.

Fascenda discloses a system for shared network access using different access keys, where “a client device listens for a ‘beacon frame’ broadcast from a Wi-Fi access point. The beacon frame identifies the basic service set identifier (BSSID) of the access point. A tamper-resistant token, or client key, installed at the client device stores a set of authentication parameters . . . Each set of authentication parameters is associated with a particular BSSID. Using the BSSID received from the access point, the client device identifies and implements the appropriate set of authentication parameters necessary to authenticate the client device according to an authentication process generally accepted by all the Wi-Fi networks potentially servicing the client.” Fascenda, Abstract, emphasis added.

Applicant’s amendment of claim 1 includes addition of limitations from cancelled claim 2, including addition of “a counter unit.” However, as conceded by the Examiner, “Fascenda does not expressly disclose a counting unit configured to count a finding frequency of the wireless relay apparatus found by the finding unit wherein the displaying of information is characterized according to the identification information detected by the finding unit.” (Office Action at 5.)

The Office Action had additionally applied Slovin against claim 2 for allegedly disclosing “a counting unit configured to count a finding frequency of the wireless relay

apparatus found by the finding unit" (see figure 1, see column 1-10). Applicant respectfully disagrees.

In the portions cited by the Examiner, Slovin explicitly states that "[e]ach station 10 also includes a frequency table memory 40 storing a number of frequency tables each of which may be employed by one of the access points. Each access point 20 stores the frequency table 50 which it employs." Slovin, column 5, lines 15-18, emphasis added. Further, Slovin also states that "each station is preferably operative to initially and periodically update the table entries of access points which are in range . . . . The information regarding each in-range access point preferably includes . . . access point's ID 70 including the access point's frequency table ID 80 and a time-stamped entry 90 of the selected access point's frequency table." Slovin, column 5, lines 21-32, emphasis added.

However, Slovin's teaching of updating a frequency table including frequencies employed by the access points does not constitute "a counting unit configured to count a finding frequency of the wireless relay apparatus found by the finding unit," as recited in amended claim 1 (emphasis added).

In fact, Slovin does not have any concept of counting a finding frequency or how frequent a relay apparatus is found. Slovin teaches that "each of the wireless station [includes] a frequency memory operative to store a frequency at which an individual access point is operating." Slovin, column 3, lines 36-38, emphasis added. However, Slovin's mere mention of operating frequency of access points cannot constitute "a counting unit configured to count a finding frequency of the wireless relay apparatus found by the finding unit," as recited in amended claim 1 (emphasis added).

In addition, Fascenda and Slovin fail to disclose or suggest, at least, “a storing unit which stores specific characters representing identification information of the wireless relay apparatus,” and “a displaying unit configured to display a specific character of the identification information of the wireless relay apparatus detected by the detector in a display form which is characterized according to the finding frequency counted by the counting unit,” as recited in amended claim 1 (emphasis added).

Therefore, neither Fascenda nor Slovin disclose or suggest each and every element of amended claim 1. Accordingly, Applicant respectfully requests withdrawal of the Section 102(e) rejection of amended claim 1. Because claim 3 depends from claim 1, Applicant also requests withdrawal of the Section 102(e) rejection of amended claim 3 for at least the same reasons stated above.

Further, amended independent claim 9, while of different scope, includes similar recitations to those of amended claim 1. Amended claim 9 is therefore also allowable for at least the same reasons stated above with respect to amended claim 1. Applicant also respectfully requests withdrawal of the Section 102(e) rejection of amended claim 9 and claims 11 and 12, which depend from claim 9.

**Regarding the Rejections under 35 U.S.C. § 103(a)**

Applicant respectfully traverses the rejection of 2, 4-8, and 10 under 35 U.S.C. § 103(a) as being obvious over Fascenda in view of Slovin, because a *prima facie* case of obviousness has not been established. Because claims 2 and 10 have been canceled, the Section 103(a) rejection of claims 2 and 10 is moot.

To establish a *prima facie* case of obviousness based on a combination or suggestion of prior art, “Office personnel must articulate . . . a finding that the prior art

included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” M.P.E.P. § 2143.A (8<sup>th</sup> edition; revision 6).

Claims 4-8 depend from amended claim 1. As explained above, Fascenda and Slovin, taken alone or in combination, fail to teach or suggest the above listed features as recited in amended claim 1 and required by claims 4-8. Therefore, a *prima facie* case of obviousness has not been established. Applicant respectfully requests withdrawal of the Section 103(a) rejection of amended claims 4-8.

### Conclusion

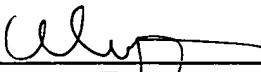
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: April 21, 2008

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